

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DAVID G. VELEZ,
Plaintiff,

v.

BANK OF AMERICA , N.A., et al.,
Defendants.

Case No. 13-cv-02834-EDL

**ORDER GRANTING DEFENDANTS
PERMISSION TO FILE
SUPPLEMENTAL BRIEF**

Re: Dkt. No. 118

This is a mortgage case on remand from the Ninth Circuit for the Court to reconsider a prior order dismissing the case in light of the California Supreme Court's decision in Yvanova v. New Century Mortgage Corp., 62 Cal. 4th 919 (Feb. 18, 2016). In the parties' recent case management conference statement, they agreed that they previously briefed the issue of Yvanova's impact on the case and "agree[d] that their respective positions are set forth in the briefs previously filed with the Ninth Circuit." They jointly requested that "the Court order the parties to simply re-file their previously submitted briefs via ECF." In light of this agreement, the Court ordered the parties to file the briefs previously submitted to the Ninth Circuit with this Court. Dkt. No. 111.

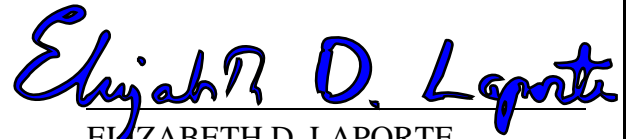
All parties filed their Ninth Circuit briefs in this Court. However, Plaintiff also filed what appears to be a Reply brief recently filed by counsel in another case before the Ninth Circuit addressing Yvanova. Defendants object to Plaintiff's unauthorized supplemental filing, and seek to have the supplemental brief from the other case stricken, or alternatively request an opportunity to respond.

The Court will not strike Plaintiff's unauthorized supplemental brief. Each group of Defendants is permitted to file a supplemental brief of no more than five pages, within one week

of the date of this Order, responding to any new arguments presented in Plaintiff's supplemental filing relating to Yvanova.

IT IS SO ORDERED.

Dated: July 13, 2016



ELIZABETH D. LAPORTE
United States Magistrate Judge